



United States Attorney
Southern District of New York

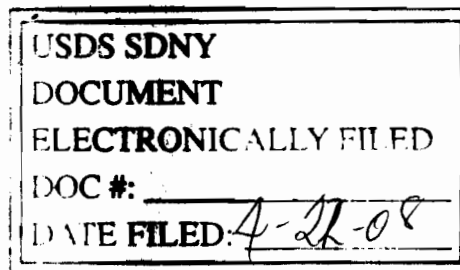
86 Chambers Street
New York, New York 10007

April 21, 2008

By Fax

Hon. Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007

Re: Timothy Moss v. Astrue
07 Civ. 6578 (VM)



Dear Judge Marrero:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully to request an extension of the Court's briefing schedule.

The Court ordered that defendant's motion was due by April 21, 2008; plaintiff's response to the Government's motion was due thirty days from the filing of the Government's motion; and the Government's reply, if any, was due fourteen days from plaintiff's response. Plaintiff's counsel has written to this Office to propose a possible settlement of this action, and has included new medical evidence with his submission, which has not been considered by the agency. Based on plaintiff's submission and upon our own discussions with agency personnel, the Commissioner is currently reconsidering his position in this litigation. Because this matter may be resolved without the need for further litigation, we respectfully request that the Court's scheduling order be amended as follows:

- 1) Defendant shall serve a motion for judgment on the pleadings by May 21, 2008;
- 2) Plaintiff shall serve a response to defendant's motion within thirty days of the defendant's motion;
- 3) Defendant shall serve a reply, if any, within fourteen days of plaintiff's response.

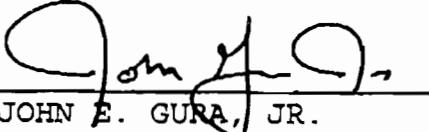
Plaintiff's counsel has consented to this request.
This is the first request for an adjournment of the briefing
schedule.

Thank you for your consideration of this request.

Respectfully,


MICHAEL J. GARCIA
United States Attorney

By:


JOHN E. GURA, JR.

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cc: Christopher James Bowes, Esq.
(By Fax)

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| Request GRANTED. The briefing schedule with regard to the motion <u>for judgment on the pleadings</u> herein is extended as set forth herein: motion papers submitted by <u>defendant</u> <u>5-21-08</u> ; response <u>6-20-08</u> ; reply <u>7-7-08</u> . | |
| DO ORDERED. <u>4-21-08</u> DATE |  VICTOR MARRERO, U.S.D.J. |